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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,762	01/25/2002	Min Li	9793/93	9551

23690 7590 03/29/2005

Roche Diagnostics Corporation  
9115 Hague Road  
PO Box 50457  
Indianapolis, IN 46250-0457

EXAMINER

CEPERLEY, MARY

ART UNIT	PAPER NUMBER
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1641

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/057,762

Applicant(s)

LI ET AL.

Examiner

Mary (Molly) E. Ceperley

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-10 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 8 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**1)** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**2)** Claims 8 and 43 are again rejected under 35 U.S.C. 102(b) as being anticipated by Fryer et al (US 3,819,601) for the reasons stated in paragraph **6)** of the December 13, 2004 Office action.

Applicant's arguments filed March 09, 2005 have been fully considered but they are not persuasive. The compound of formula (II) of claim 8, as amended, is still readable on the Fryer et al compound of formula VI wherein " $C_nH_{2n}$ " ( $n = 2-7$ ) of the Fryer et al compound corresponds to "L is an alkyl group containing from 1-20 carbon atoms" of formula (II) of instant claim 8 and "E" in the Fryer et al compound defined as "the monoacyl moiety of a dibasic acid", a "sulfate moiety" and a "phosphate moiety" corresponds to "Y" of the compound of instant claim 8. See also, the structures of the MARPAT abstract 1970: 55525 containing the  $-CH_2-CH_2-OSO_3H$  and  $-CH_2-CH_2-OPO_3H_2$  groups.

It is noted that the claim 9 and 10 compounds which were indicated to be allowable in the Office action of December 13, 2004 defined "Y" as " $-NHSO_3^-$ ".

**3)** Claims 8 and 43 are again rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al (EP 264,797) for the reasons stated in paragraph **7)** of the December 13, 2004 Office action.

Applicant's arguments filed March 09, 2005 have been fully considered but they are not persuasive. The compounds of formula (II) of claim 8, as amended, are still readable on the Wang et al compounds of Fig. 2, wherein  $R_1 = -R-Z-Q$  (R is a linking group consisting of from 0 to 20 carbon atoms and heteroatoms; Z is  $-SO_2$ ; Q is OH). Note also the second formula of the MARPAT abstract 110: 91693 wherein  $R_1$  (G3-G4-G5) is  $-CH_2SO_2OH$  {corresponds to "L" defined as  $-CH_2-$  in formula (II) of instant claim 8}.

It is noted that the claim 9 and 10 compounds which were indicated to be allowable in the Office action of December 13, 2004 defined "Y" as " $-NHSO_3^-$ ".

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**4)** Claims 9 and 10 are allowed.

**5) THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

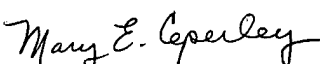
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**6)** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary (Molly) E. Ceperley whose telephone number is (571) 272-0813. The examiner can normally be reached from 8 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le, can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 22, 2005

  
Mary (Molly) E. Ceperley  
Primary Examiner  
Art Unit 1641